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Sent: Friday, April 22, 2005 11:59 AM
To: Solid Waste Facility Permit Rulemaking
Cc: Kefauver, Kathy; Sloan, Lisa; Cragin, Imelda
Subject: Comments to Permit Imp. Regs for AB 1497

The County of Santa Barbara, Public Works Department, Resource Recovery and Waste Management Division has the following comments to the proposed Permit Implementation Regulations for AB 1497.

Issue Area #3 Report of Facility Information Requirements for Community Outreach Efforts Recordkeeping

The LEA, as the permitting authority for the solid waste facility permit (SWFP) would be designated as a "Responsible Agency" under California Environmental Quality Act (CEQA) where a local land use planning agency has primary responsibility to issue land use permits or as the "Lead Agency" where no local land use permit is required (such as at Federal military bases that are not required to comply with CEQA except when applying for a state permit such as a SWFP).

As a Responsible Agency, the LEA can request notification of every public hearing or other outreach activities the lead agency as events occur through the CEQA process. In addition, if requested, the distribution or mailing list for the project can be provided to the LEA by the local planning agency. Requiring the LEA to coordinate with the local planning agency to track public hearings and community outreach efforts would likely resolve Issue area #3.

Alternatively, if no local permits are required, and the LEA functions as the Lead Agency, hearings and other public outreach would be likely be conducted by the LEA. Requiring the LEA as Lead Agency to keep a list of public hearings or outreach activities for information through the CEQA process would also resolve Issue area #3.

Issue Area #5 Relationship of Solid Waste Permits to Other Land Use

Under the assumption that a Solid Waste Facility has been required to secure a land use permit with the local permitting agency, the level of review required by the LEA should be to ensure that the SWFP application is consistent with the land use permit. The local permitting agency is required (as the lead agency) to ensure the project undergoes environmental review under CEQA. In the event that the LEA considers permitting a SWFP application that is inconsistent with the land use permit or in absence of a land use permit, it would be inconclusive if the SWFP application project had undergone adequate local permitting and CEQA review. If the project has not undergone CEQA review or the project description changes from that described and evaluated under CEQA, the project is subject to additional environmental review. The LEA cannot issue a permit without completing the CEQA review, either as a responsible agency to the lead agency (the local

planning agency) or as the lead agency (as in the case of Solid Waste Facilities at Federal military bases as noted under Issue area #3).

In either case, the SWFP application's project description must be consistent with the CEQA project description. Adequate CEQA compliance is another of the application package's requirements for completeness.

Please contact me at (805) 882-3613 or Kathleen Kefauver at (805) 882-3614, if you have any questions regarding our comments. Thank you.

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